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February 13, 2003

TELECOPIER COVER SHEET

**FAX RECEIVED**  
**FEB 13 2003**  
**GROUP 1600**

TO: Examiner Cheyne Ly  
U.S. Patent and Trademark Office

TELECOPIER NO.: (703) 308-4242

FROM: Susan Hess  
Legal Assistant to Ferris Lander

PAGES INCLUDED: 7 (including cover sheet)

TELECOPIER NO.: (561) 625-6572

REGARDING: U.S. Patent Appln Serial No. 09/845,715  
Our Ref: 2132.030

**OFFICIAL**

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SPECIAL INSTRUCTIONS:

Attached please find a Transmittal Letter and Response to Examiner's Office Action for the above-identified application.

Please contact me if you have any questions regarding this matter. Thank you for your assistance.

**PRIVACY AND CONFIDENTIALITY NOTICE**

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to Examiner Cheyne Ly at (703) 308-4242.

Date: 2-13-03Susan Hess  
Susan Hess

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : JACKOWSKI et al.  
INVENTION: : BIOPOLYMER MARKER INDICATIVE OF DISEASE  
STATE HAVING A MOLECULAR WEIGHT OF  
1348 DALTONS  
SERIAL NUMBER : 09/845,715  
FILING DATE : April 30, 2001  
EXAMINER: : Ly, Cheyne  
GROUP ART UNIT : 1631  
ATTORNEY DOCKET NO. : 2132.030

TRANSMITTAL LETTER

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- ☒ Response to Office Action of January 13, 2003  
☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-1803.

Date: 2/13/03

Respectfully submitted,

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GROUP ART UNIT : 1631

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#17  
Plunkett  
212363RESPONSE TO OFFICE ACTION OF JANUARY 13, 2003

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C.

Sir:

In response to the Requirement for Restriction dated January 13, 2003, having a shortened statutory period for response set to expire February 13, 2003, kindly enter the following response:

Restriction to one of the following inventions has been required under 35 USC 121:

- I. Claims 1-2, are drawn to a biopolymer marker having a sequence identified as SEQ ID NO: 1 useful in indicating at least one particular disease state, classified in class 530, subclass 300.
- II. Claims 3-9, drawn to a method for evidencing and categorizing at least one disease state, classified in class 702, subclass 19.
- III. Claims 10-28 and 33-34, drawn to a diagnostic assay kit and method for determining the presence of the biopolymer marker or analyte thereof and determining risk-assessment, and identifying therapeutic avenues related to a disease state, classified in classes 422 and 436, subclasses 61 and 63. If this Group is elected, then the below summarized specie election is also required.
- IV. Claims 29-32, drawn to an antibody that specifically binds a biopolymer including the marker sequence identified as SEQ ID NO: 1 or at least one analyte thereof, classified in class 530, subclass 387.1.
- V. Claim 35, drawn to a process for regulating a disease state by controlling the presence or absence of a biopolymer including the sequence identified as SEQ ID NO: 1 or at least one analyte thereof, classified in class 514, subclass 2.

Applicants hereby elect, with traverse, the Group I invention, for further prosecution on the merits.

It is understood that claims 3-35, drawn to the non-elected invention, will remain pending, albeit withdrawn from further consideration in this application.

#### SUMMARY

This case is related, in claim format to several pending applications of which S.N.